

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2013.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	March 6, 2003
DATE OF REPORT:	April 9, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	May 1, 2003

COMPLAINT ISSUES:

Whether Jay School Corporation violated:

511 IAC 7-25-4(b) by failing to obtain informed parental consent prior to conducting an initial educational evaluation, and

511 IAC 7-27-5(c) by failing to provide the parent with a copy of the written case conference committee (CCC) report.

FINDINGS OF FACT:

1. The Student is seven years old and attends the local elementary school. The Student has been determined eligible for special education under the disability category of other health impairment.
2. After going over the Referral for Evaluation form with the Complainant, the Principal noticed that the Complainant did not provide a signature at the end of Part 1 (Part 2 does not require a signature). The Principal had had little time to go over the form with the Complainant, and had forgotten to point out that the signature was necessary. The Principal inserted the Complainant's name, then his own initials to indicate that he had signed the line in the Complainant's absence. It is important to note, however, that the Complainant had already signed the Permission for Evaluation form on October 24, 2002.
3. A facsimile transmittal from the School, sent on February 11, 2003, indicates that a copy of the written CCC report of the January 31, 2003, CCC meeting was mailed to the Complainant on February 6, 2003. A cover letter from the Special Education Director, which accompanied the mailing of the report, was provided. Another copy of the CCC report was provided to the Complainant in person on February 10, 2003, and it was received by the advocate who attended the meeting. A final copy of the report was faxed on February 11, 2003.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the Complainant gave informed consent by signing the Permission for Evaluation. Therefore, no violation of 511 IAC 7-25-4(b) is found.

2. Finding of Fact #3 indicates that the School made more than one attempt within 10 days of the January 31, 2003, meeting to provide the Complainant with the CCC report. Therefore, no violation of 511 IAC 7-27-5(c) is found.

The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.